

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

§
§
§
§
§

CASE NO.

Debtor(s)

Chapter 13 Proceeding

DEBTOR(S)' CHAPTER 13 PLAN ☐ ***AMENDED***
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Plan Summary

- A. The Debtor's Plan Payment is scheduled at _____ per month [☐ Pay Order, ☐ Direct Pay] for _____ months. The gross amount to be paid into the plan is _____.
- B. The Plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of the collateral and approximately _____ % of the unsecured allowed claims. THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to receive distributions under any plan that may be confirmed.
- C. Value of non-exempt assets _____.
- D. Monthly net income _____, - expenses _____ = available for plan _____.
- E. If the payment of any debt is proposed to be paid directly by the Debtor outside the plan, it is so noted in Section IV(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall (shall not) vest in the Debtor(s), and shall (shall not) remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

II. Interim Disbursement of Plan Payments

The Debtor requests and consents to disbursement by the chapter 13 Trustee of plan payments prior to confirmation of the plan to evidence the Debtor's good faith, promote successful completion of the case and to provide adequate protection to secured creditors. The Chapter 13 Trustee shall begin disbursements as soon as practicable after the Section 341 meeting of creditors is concluded.

III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory contracts, if any:

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

IV. Specific Treatment for Payment of Allowed Claims

1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS

| Creditor Name | Remarks | Debt Amount | Monthly Payment |
|---------------|---------|-------------|-----------------|
|---------------|---------|-------------|-----------------|

2. PAYMENTS BY TRUSTEE

A. Administrative Expenses (including Attorney's fees)

The Trustee may receive up to 10% of all sums disbursed, except on any funds returned to the debtor.

| Creditor | Estimated Amount of Debt | Payment Method 1. Before 2. After 3. Along with Secured creditors | Remarks |
|----------|--------------------------|--|---------|
|----------|--------------------------|--|---------|

B. Arrearage Claims – Direct Pay Creditors

| Creditor/Collateral | Est. Claim | Est. Value Of Collateral | Mo. Pmt or Method of Disbursement | Interest Rate | Anticipated Total to Pay | Other Treatment/ Remarks |
|---------------------|------------|--------------------------|-----------------------------------|---------------|--------------------------|--------------------------|
|---------------------|------------|--------------------------|-----------------------------------|---------------|--------------------------|--------------------------|

C. Secured Creditors; ***MOTIONS TO VALUE COLLATERAL UNDER 11 U.S.C. § 506***

The Debtor moves to value collateral as indicated. The Trustee shall pay allowed secured claims the value indicated or the amount of the claim, whichever is less. The portion of any allowed claim that exceeds the value indicated shall be treated as an unsecured claim. If the Debtor has proposed a valuation for collateral, an affidavit pursuant to Local Rule 3012 is attached in support of the valuation.

Objections to Valuation of collateral proposed by this plan must be filed 90 days after the original plan is served or 20 days after an amended plan is served, whichever is later. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan.

| Creditor/Collateral | Est. Claim | Value Of Collateral | Mo. Pmt or Method of Disbursement | Interest Rate | Anticipated Total to Pay | Other Treatment/ Remarks |
|---------------------|------------|---------------------|-----------------------------------|---------------|--------------------------|--------------------------|
|---------------------|------------|---------------------|-----------------------------------|---------------|--------------------------|--------------------------|

D. Priority Creditors

| Creditor | Estimated Amount of Debt | Payment Method 1. Before 2. After 3. Along with Secured creditors | Remarks |
|----------|--------------------------|--|---------|
|----------|--------------------------|--|---------|

E. General Unsecured Creditors, [including claims from rejection of executory contracts] (Describe treatment for the class of general, unsecured creditors.)

F. Cure claims on Assumed Executory Contracts, Contracts for Deed & Leases:

| Creditor | Estimated Amount Of Debt | Monthly Payment or Method of Disbursement | Remarks |
|----------|--------------------------|---|---------|
|----------|--------------------------|---|---------|

Totals:

Administrative Claims _____
Arrearage Claims _____
Secured Claims _____
Priority Claims _____
Unsecured Claims _____
Cure Claims _____

F. Supplemental Plan Provisions

(a) **MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)**

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed 90 days after the original plan is served or 20 days after an amended plan is served, whichever is later. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

| Creditor | Property subject to lien | Amount of Lien to be Avoided | Remarks |
|----------|--------------------------|------------------------------|---------|
|----------|--------------------------|------------------------------|---------|

(b) The following are the Supplemental Plan Provisions:

None

V. General Information

Notice: Local Rule 3002 provides, in part:

“Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor’s Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case.”

Creditors are hereby notified that WITHOUT FURTHER NOTICE the Plan may be amended at the Meeting of Creditors. Any amendment may affect your status as a creditor. The Debtor’s estimate of how much the Plan will pay, projected payments and estimates of the allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is ten days prior to the confirmation hearing. More detailed information is on file at the office of the United States Bankruptcy Clerk in Austin, Texas.

Respectfully submitted this _____ day of _____, 200_____.

Debtor
Address

Co-Debtor
Address

Attorney for Debtor

Address/Phone & Fax Number

Certificate of service

ATTACH PROPOSED PAYMENT SCHEDULE, IF AVAILABLE